

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JANUARY 28, 1993

311 Grant Ave.
Palo Alto, CA 94306

Dear _____ and _____:

Your November 2 letter to President Bush was referred to my office for response. In your letter, you requested that the U.S. prohibit future international waste shipments from the U.S., and that the Department of Justice require that Dowd and Reilly remove toxic incinerator ash dumped in Haiti in 1988.

Let me begin with some facts regarding hazardous waste exports. In 1991, the United States exported 129,371 tons of hazardous waste to eight countries: Canada, Mexico, Finland, Belgium, Sweden, the United Kingdom, France, and Japan. Canada received 75,000 tons of hazardous waste from the United States, Mexico 51,385 tons, and the other six countries received the remaining 3 percent. The total amount of hazardous waste exported from the U.S. is less than 0.1% of the hazardous waste generated within the U.S.

There are legitimate reasons why waste exports can occur. As noted above, most hazardous waste exports from the U.S. go to Canada. Oftentimes, the nearest waste management facility capable of handling a particular waste stream may be on the other side of an international border from the point of generation. In addition, over half of the waste exported from the U.S. is exported for the purpose of recycling, thereby allowing waste management facilities in other countries to reclaim and reuse valuable materials, such as precious metals. In fact, except for some wastes sent to Canada and a small amount to Finland, all 1991 U.S. hazardous waste exports were for recycling.

EPA requires consent of the government of the importing country before export of hazardous waste from the U.S. can occur. The U.S. was one of the first countries to enact a law prohibiting hazardous waste exports without the consent of the importing country government. Our current law, however, does not give EPA authority to reject a proposal to export if the importing country has given its consent. As you are probably aware, our current law does not extend the governmental notice and consent requirements to municipal solid waste or municipal incinerator ash.

EPA has a strong enforcement program in the area of hazardous waste exports and has had several successes in both the civil and criminal enforcement arenas. EPA has a strong working relationship with U.S. Customs to ensure that hazardous wastes leaving the country are properly packaged and documented and that U.S. hazardous waste imports also comply with U.S. hazardous waste regulations. EPA and U.S. Customs conduct random spot checks at the borders and often coordinate with Mexican or Canadian customs officers during such activities. In addition, EPA utilizes reporting and recordkeeping requirements to ensure that exports occur properly and in compliance with all regulations. EPA also relies on tips from the public who may, from time to time, become aware of illegal activities involving hazardous waste exports. However, exports of municipal incinerator ash are beyond the scope of our current program.

I believe our current program is functioning very effectively to protect human health and the environment from illegal exports of hazardous waste. We have, however, moved to strengthen the program by asking Congress to enact additional waste import/export legislation in order to retain an international leadership role in this important area. We have asked, for example, that such legislation control imports and exports of municipal solid waste and municipal incinerator ash.

The U.S. was a leader in negotiating the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, an international agreement which was concluded in 1989. The U.S. and over fifty countries signed the Basel Convention, and the U.S. intends to ratify and implement the Convention (which is now in force for 38 countries worldwide), as soon as we obtain needed additional legislative authority from the Congress.

In conclusion, I believe that EPA's waste program works effectively to control exports of hazardous wastes. We hope that our export program will soon be made even stronger through enactment of additional legislation and U.S. ratification of the Basel Convention.

Thank you for your interest in the safe and effective management of wastes both within and outside the U.S.

Sincerely,

David Bussard, Director
Characterization and Assessment Division
Office of Solid Waste